

AMENDMENTS TO THE DRAWINGS

Please amend the figures as shown in the enclosed replacement sheets. The attached sheet(s) of drawings includes changes to Figure 1. Specifically, Figure 1 is amended to include a textual label of "Prior Art" because only that which is old is shown. No new matter is added by way of this amendment to Figure 1.

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-3 and 11-12 are pending. Claim 1 is independent. The remaining claims depend, directly or indirectly, from claim 1.

Specification

The Specification is amended to correct a typographical error pointed out by the Examiner on page 2 of the Action mailed May 26, 2009. No new matter is added by way of this amendment.

Drawings

The drawings are objected to by the Examiner because Figure 1 fails to include a label designating the drawing as "Prior Art." Figure 1 is amended by this reply to add a designation of "Prior Art." In addition, the Examiner asserts that reference number 27 is used to designate both a protrusion and a shaft segment. Applicant asserts that the drawings are no longer objectionable for this reason, as the Specification is amended by this reply such that reference number 27 is used only to designate the shaft segment. No new matter is added by way of these amendments. Accordingly, withdrawal of this objection and acceptance of the drawings is respectfully requested.

Claim Amendments

Claims 1 and 11 are amended for purposes of clarification. No new matter is added by way of these amendments, as support for these amendments may be found at least on pages 10 and 12 and in Figure 4 of the Specification as filed.

Rejection(s) under 35 U.S.C. § 112

Claims 1-3 and 11-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1 and 11 are amended by this reply to clarify the ambiguities pointed out by the Examiner on page 3 of the Action. Support for these amendments can be found on pages 10-12 and in Figure 4 of the Specification as filed. Accordingly, independent claim 1 and pending dependent claims are no longer indefinite, and withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claims 1-3 and 11-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant Admitted Prior Art (Figure 1) in view of FR 2 649 349 (“Rafer”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Amended independent claim 1 requires, in part, (i) the positioning channel is recessed from the protuberance of the reducing gear in a service area with no radial access; and (ii) mounting the retaining ring radially on an axial segment of the shaft with a progressive cross-section situated in a radial fitting area in an accessible mounting area between the positioning groove and the splines. Applicant respectfully asserts that neither of the prior art Figure 1 of the present application (“hereinafter referred to as “figure 1”) nor Rafer disclose or render obvious the aforementioned limitations required by independent claim 1.

Specifically, in figure 1, the positioning channel 23 is accessible in relation to the protuberance 26 of the reducing gear 13. In other words, a radial access is provided for the retaining ring. However, one of the features of the claimed invention is that the positioning channel is recessed from the protuberance of the reducing gear in a service area with *no* radial access. Therefore, because figure 1 specifically provides radial access to the positioning channel, figure 1 cannot possibly disclose or render obvious the aforementioned limitation recited in (i) above. In addition, as admitted by the Examiner on page 4 of the Action, figure 1 fails to disclose or render obvious a method for mounting the retaining ring. Therefore, figure 1 fails to disclose or render obvious (ii) as recited above.

Further, Rafer fails to disclose or otherwise provide that which figure 1 lacks. Specifically, the Examiner cites Figure 1 of Rafer as disclosing the aforementioned limitations. See Action mailed May 26, 2009, page 5. However, Figure 1 of Rafer fails to disclose or render obvious that the positioning groove (3) is recessed from the protuberance of the reducing gear. The Examiner asserts that Figure 1 of Rafer discloses that the positioning groove is located in an area with no radial access. First, Applicant fails to see how Figure 1 of Rafer shows that there is no radial access to the positioning groove (3) of Rafer. In, fact, Rafer is completely silent about whether or not radial access is provided to the positioning groove, and Figure 1 does not support the Examiner's position. Second, even assuming, *arguendo*, that there is no radial access to the positioning groove of Rafer, Rafer fails to disclose or show in Figure 1 that the positioning groove (3) is recessed from a protuberance of a speed reducer gear. Accordingly, Rafer fails to disclose or render obvious (i) as required by the claimed invention.

In addition, Rafer is completely silent with respect to the two method steps required by amended independent claim 1. Specifically, Rafer fails to disclose or render obvious a method for mounting a retaining ring in which the stop ring (*i.e.*, the retaining ring) is fitted radially on an axial section of an electric starter shaft. Thus, Rafer fails to disclose or render obvious (ii) as recited above. Rafer also fails to disclose or render obvious the method step of moving the starter drive assembly axially toward the rest position so as to move the retaining ring along the axial segment of the shaft to the positioning groove. Applicant respectfully asserts that the Examiner has not pointed to any specific text in Rafer that discloses the method steps required by amended independent claim 1. A drawing alone cannot show movement of the starter drive assembly axially toward the rest position or movement of the retaining ring along the axial segment of the shaft to the positioning groove. Thus, Figure 1 of Rafer, which is the only cited portion of Rafer in the Action mailed May 26, 2009, fails to disclose or render obvious a method for mounting a retaining ring, as required by claim 1. By equating all that is shown in Figure 1 of Rafer to the method for mounting a retaining ring, the Examiner is either mischaracterizing the teachings of Rafer, or specifically reading out claimed limitations, both of which are wholly improper.

In view of the above, it is clear that the Examiner's contentions fail to support an obviousness rejection of the amended independent claim. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number [17170/012001]).

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Respectfully submitted,

By 

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Attachments (Replacement Sheet, Figure 1)